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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,432	08/29/2001	Norihiko Murata	213278US2	7057

22850 7590 05/18/2006

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EXAMINER

ROSARIO, DENNIS

ART UNIT PAPER NUMBER

2624

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/940,432	<b>Applicant(s)</b> MURATA ET AL.	
	<b>Examiner</b> Dennis Rosario	<b>Art Unit</b> 2624	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-24.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached DETAILED ACTION.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
**DANIEL MIRIAM**  
**PRIMARY EXAMINER**

**DETAILED ACTION**

***Response to Amendment***

1. The after final amendment was received on April 28, 2006. Claims 1-24 are pending.

***Response to Arguments***

2. Applicant's arguments on page 11, filed 4/28/2006 have been fully considered but they are not persuasive and states:

"...Lelong fails to teach...that a direction of the tangible object plane is calculated based on the feature point and the matched point, as recited in Applicant's Claim 1.

However the examiner respectfully disagrees since Lelong et al. (US Patent 5,444,478 A) discloses:

- a) that a direction (fig. 5B, label "m" represents a "ray MP [that] is deviated" in col. 13, lines 43,44 where the deviated ray corresponds to the claimed direction) of the tangible object plane (fig. 5B, point "M" of a scene that is tangible as shown by the buildings in fig. 7A that include planes such as the walls of the buildings) is calculated based on the feature point (fig. 5B, label "m' ") and the matched (or "correspond[ing]" in col. 13, line 62 point (m<sup>\*</sup> if "ideal" in col. 13, line 64 or "m" if "not ideal" in col. 13, line 64).

3. Applicant's arguments on page 12, filed 4/28/2006 have been fully considered but they are not persuasive and states:

"Lelong fails to teach...the generating of a distortion-corrected image ***on a projection plane by projecting the standard image onto the projection plane based on the direction of the tangible object plane***, as further recited in Claim 1."

However, the examiner respectfully disagrees since Lelong et al. discloses:

a) generating of a distortion-corrected image (fig. 7D) on a projection plane ("plane" in col. 8, line 11) by projecting the standard image (fig. 1E, label: "Ij") onto the projection plane based on the direction (or "basis of information S<sub>j</sub>" in col. 9, line 9) of the tangible object plane (where information S<sub>j</sub> includes the claimed direction, as described in paragraph 2 above, of the tangible object plane or "m" as shown in fig. 1E, label: "m").

4. Applicant's arguments on page 12, filed 4/28/2006 have been fully considered but they are not persuasive and states:

"Lelong fails to teach...that an image is automatically selected as the standard image based on a calculated direction of the object plane [for] each of the partially overlapping image[s]."

However, the examiner respectfully disagree since Lelong et al. discloses:

a) one (or "single one" in col. 16, line 44) image is automatically selected (via an "automatic function" in col. 4, line 61 such as fig. 3,num. 205 that performs a "choosing" in col. 16, line 44 function) as the standard image based on a calculated direction (in fig. 3,num. 21j represents angles calculated from a basic model as shown in fig. 5A) of the object plane for each of the partially overlapping images (or "images [that] overlap" in col. 16, line 42).

  
**DANIEL MIRIAM**  
**PRIMARY EXAMINER**